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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) US3718	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>6/7/2007</u> Signature <u>Jeffrey T. Knapp</u> Typed or printed name <u>Jeffrey T. Knapp</u>		Application Number 10/7489,045	Filed Dec. 29, 2003
		First Named Inventor Ga-Lane CHEN	
		Art Unit 1732	Examiner VARGOT, MATHEIU D
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. 45,384 Registration number _____ <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		Signature <u>Jeffrey T. Knapp</u> Typed or printed name <u>Jeffrey T. Knapp</u> Telephone number <u>714/626-1229</u> Date <u>7 JUN 2007</u>	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

In re Application of:
GA-LANE CHEN ET AL.

Serial No.: 10/749,045

Confirmation No.: 7405

Filed: 12/29/2003

For: METHOD FOR PRODUCING LIGHT)
GUIDE PLATE AND MOLD FOR THE)
SAME

Examiner:
VARGOT, MATHIEU D

Group Art Unit: 1732

Date: , 2007

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Signed:  Date: 6/7/07
Jeffrey T. Knapp

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In response to the outstanding Final Office Action mailed March 9, 2007 in connection with the above-identified application, kindly amend the subject application as follows and consider the accompanying remarks.

Remarks, as part of the Request for Review, begin on page 2 of this paper.

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REMARKS

The Remarks, to be considered in conjunction with the **current Request for Review**, are in response, in part, to the Advisory Action mailed April 16, 2007.

Issues Presented In the Advisory Action

Applicant submits that the Advisory Action was not appropriately made. The Examiner fails to comply with the requirement set forth in MPEP §707.07(f) "Answer All Material Traversed", in which it is held that "[W]here the applicant traverses any rejection, the Examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it". The Examiner fails to take note that which was argued by Applicant at all.

Claim Rejections Under 35 U.S.C. 103

Claims 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki (US 6,776,931).

Claim 10 recites in part:

"a second plate having a side wall opposite to the side wall of the first plate, the side wall of the second plate being non-parallel to the side wall of the first plate;

a cavity defined between the first plate and the second plate, the cavity being one of wedge-shaped and papilionaceous shape in cross-section; and

a passageway provided in the first plate for cooling and solidifying molten resin injected into the cavity;

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wherein the fluid passageway is arranged in a plane non-parallel with the side wall of the first plate and parallel with the side wall of the second plate.” (Emphasis added.)

Claim 20, as originally filed, recites in part:

“said plurality of passageways are arranged in a plane with regard to the oblique side wall in a non-parallel manner.” (Emphasis added.)

In response to the rejection of claims 10 and 20, Applicant respectfully traverses this rejection, and submits that claims 10 and 20 are unobvious over Nishigaki or any other cited reference, taken alone or in combination, and thus should be allowed.

Nishigaki teaches a mold wherein the fluid passageways 29 (labeled in FIG. 3) are arranged in a plane parallel to the side wall of the cavity plate 28. However, Applicant submits that there is nothing in the Nishigaki that would fairly suggest particularly arranging the fluid passageway in such manner that “the fluid passageway is arranged in a plane non-parallel with the side wall of the first plate and parallel with the side wall of the second plate”, in the manner required in claim 10. Even in a situation in which a wedge shape is to be produced, Nishigaki does not particularly disclose or suggest that any of the fluid passageways 29 would be non-parallel to a side wall of the first plate, as per claim 10.

With respect to claim 20, consistent with the argument presented above with respect to claim 10, even in a situation in which a wedge shape is to be produced, Nishigaki does not particularly disclose or suggest that any of the fluid passageways 29 would be non-parallel to an oblique side wall. Essentially, Nishigaki fails to teach or suggest the subject matter of claim 20.

Furthermore, no motivation is provided to specifically align the

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passageways non-parallel to an oblique side wall, as per claim 20 (See the third Paragraph of Page 4 of "Reply filed April 4th, 2007", hereinafter referred to as the REPLY, the contents of which are incorporated by reference thereto).

Even further, an Examiner, as set forth in the MPEP §2144.04, cannot rely solely on one or more case-law based arguments to properly establish the obviousness of the missing feature, if that feature is critical to the present invention (See Page 2 of the REPLY).

For at least the above reasons, Applicant submits that claims 10 and 20 are novel, unobvious, and patentable under 35 U.S.C. §103 over Nishigaki and the other cited reference. Reconsideration and removal of the rejection of claims 10 and 20 are respectfully requested.

Claims 11-19 depend directly or indirectly on claim 10, which is asserted to be in condition for allowance under §103 as detailed above. Accordingly, Applicant submits that claims 11-19 are also unobvious and patentable under 35 U.S.C. §103 over Nishigaki and the other cited reference.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishigaki in view of Choi et al. (US 6,699,409).

In response to the rejection of claim 1, for similar reasons presented above with respect to claim 10, Applicant respectfully traverses this rejection.

Applicant submits that claim 1 is unobvious over Nishigaki in view of Choi et al or any other cited reference, taken alone or in combination, and thus should be allowed. Briefly stated, Choi et al. is unable to overcome

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the shortcomings set forth above with respect to Nishigaki et al.

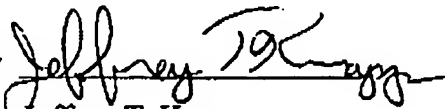
Claims 2-9 depend directly or indirectly on claim 1, which is asserted to be in condition for allowance under §103 as detailed above. Accordingly, Applicant submits that claims 2-9 are also unobvious and patentable under 35 U.S.C. §103 over Nishigaki in view of Choi et al and the other cited reference.

The arguments set forth with respect to independent claims 1, 10, and 20, in the Response submitted Jan. 2, 2007, are deemed pertinent by Applicant and are herein incorporated by reference thereto.

In view of the above remarks, the subject application is believed to be in a condition for allowance, and an action to such effect is earnestly solicited.

Respectfully submitted,

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